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Ann Bounthavong

Applicant	: Keith David Bussell	Confirmation No. 7076
Application No.	: 09/692,746	
Filed	: October 18, 2000	
Title	: METHOD AND APPARATUS FOR DIGITALLY SIGNING AN ADVERTISEMENT AREA NEXT TO A VALUE-BEARING ITEM	
Grp./Div.	: 3621	
Examiner	: Firmin Backer	
Docket No.	: 40624/SAH/S850	

**RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF  
(37 CFR 41.37)**

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November 17, 2005

Commissioner:

Responsive to the Notification of Non-Compliant Appeal Brief dated October 24, 2005, enclosed is Appellant's Brief, filed August 23, 2005, and reformatted per the October 24, 2005, Notification of Non-Compliant Appeal Brief (37 CFR 41.37(c)(1)(viii)). Applicants spoke with the Examiner on November 14, 2005, during this conversation the Examiner acknowledged that the Appeal Brief does comply with 37 CFR 41.37(c)(1)(viii) and that the marking of numeral 7

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in the Notification of Non-Compliant Appeal Brief was an error. It is requested that this Appeal Brief now be entered.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By   
Jonathan S. Miller  
Reg. No. 48,534  
626/795-9900

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**AMENDED APPELLANT'S BRIEF**

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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Pasadena, CA 91109-7068  
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Commissioner:

Applicant, (hereinafter "Appellant") submits the following Appeal Brief pursuant to 37 C.F.R. § 41.37 for consideration by the Board of Patent Appeals and Interferences. Appellant also submits herewith a check in the amount of \$500.00 to cover the cost of filing the opening brief as required by 37 C.F.R. § 41.20(b)(2). Please charge any additional amount due or credit any overpayment to deposit Account No. 03-1728.

The PTO did not receive the following  
listed item(s) check if true

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**1. REAL PARTY IN INTEREST**

Keith David Bussell, the party named in the caption, assigned his rights to the invention disclosed in the subject application through an Assignment recorded on February 13, 2001 at reel and frame 011514/0968 to Stamps.com, 3420 Ocean Park Boulevard, Suite 1040, Santa Monica, California 90405. Therefore, Stamps.com is the real party in interest.

**2. RELATED APPEALS AND INTERFERENCES**

There are no other appeals or interferences that will directly affect or be directly affected by or have a bearing on the Board's decision in this Appeal.

**3. STATUS OF CLAIMS**

Claims 1-15 and 19-51 stand rejected. Claims 16-18 have been canceled. Appellant appeals the rejection of claims 1-15 and 19-51.

**4. STATUS OF AMENDMENTS**

No amendments to the claims were submitted after the Final Office Action mailed January 19, 2005.

**5. SUMMARY OF CLAIMED SUBJECT MATTER**

The subject matter of claim 1 relates to an online system for printing a value bearing item. See page 3, lines 7-10. A digitally signed advertisement graphic may also be printed next to the VBI. Page 29, line 29 - page 30, line 16. The system includes a plurality of user terminals that are coupled to a computer network. Page 5, line 32 - page 6, line 4. A plurality of stateless cryptographic devices that are remote from the user terminals are also coupled to the computer network. Page 6, lines 5-20. The cryptographic devices include computer executable code for verifying that the advertisement graphics is authorized to be printed next to the VBI and

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the cryptographic devices may be used for verifying the advertising graphics for any one or more of the plurality of user terminals. See page 6, line 5 - page 8, line 31 and page 29, line 29 - page 30, line 16.

The subject matter of claim 29 relates to a method for printing an advertisement next to a value-bearing item (VBI) via a communication network including a client system, and a server system. See page 29, line 29 - page 30, line 16 and page 3, lines 27-35. The method includes a series of steps such as interfacing with one or more users via the client system. Page 8, line 31 - page 9, line 22. Another step may be communicating with the client system over the communication network. Page 9, line 23 - page 10, line 17. A further step may include, digitally signing an advertisement graphic to be printed next to the VBI. Page 29, line 23 - page 30, line 16. Another step may be, verifying the digitally signed advertisement graphic using a stateless cryptographic module, wherein any of the plurality of cryptographic modules may be used for verifying the digitally signed advertisement graphics for any one or more of the users. See page 6, line 5 - page 8, line 31 and page 29, line 29 - page 30, line 16.

**6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

Claims 1-15 and 19-51 are rejected as unpatentable under 35 U.S.C. §103 as being obvious over U.S. PG Pub No. 2001/0037320 by Allport et al ("Allport") in view of U.S. Patent No. 6,408,286 issued to Heiden ("Heiden") and in further view of U.S. Patent No. 6,424,954 issued to Leon ("Leon").

**7. ARGUMENT**

**A. Rejection of Claim 1 under 35 U.S.C. §103 as Obvious over Allport in view of Heiden and Leon**

To establish a *prima facie* case of obviousness, the Patent Office must establish that the cited references, combined, teach or suggest each of the elements of a claim. In regard to claim

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1, this claim includes the elements of "a plurality of stateless cryptographic devices remote from the plurality of user terminals," "a digitally signed advertisement graphics," "the cryptographic devices include a computer executable code for verifying that the advertisement graphics is authorized to be printed next to the VBI" and "wherein any one or more of the plurality of cryptographic devices may be used for verifying the advertising graphics for any one or more of the plurality of user terminals." Appellant believes that the Patent Office has failed to establish that the cited references teach or suggest each of these elements of claim 1 and therefore has failed to establish a *prima facie* case of obviousness for claim 1.

In regard to the element of "a plurality of stateless cryptographic devices remote from the plurality of user terminals," the Examiner has relied on Allport to teach this element of the claim. However, Appellant reviewed Allport and was unable to discern any part therein that taught this element of claim 1. As a result, the Appellant's attorney conducted an interview with the Examiner on April 14, 2005 to obtain clarification of the basis for the rejection of claim 1. During the interview, as summarized in the Response to Final Office Action ("Response"), mailed April, 19 2005, the Examiner acknowledged that Allport did not teach this element of claim 1 and that a proper *prima facie* case of obviousness was not established. The Appellant submitted this argument in the Response, but the subsequent Advisory Action, mailed June 7, 2005 maintained the rejection of claim 1, with only the justification that "Applicant's argument is not persuasive." Thus, the Patent Office has failed to set forth how Allport or any of the cited references teaches this element of claim 1.

Further, the Patent Office has failed to establish that the cited references teach or suggest "a plurality of stateless cryptographic devices" or "wherein any one or more of the plurality of cryptographic devices may be used for verifying the advertising graphics for any one or more of the plurality of user terminals." Rather, Allport teaches a closed meter system that is not coupled to a network and does not employ a cryptographic device. See Allport, paragraphs [0003] and

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[0006]-[0011]. Heiden and Leon do not cure these defects of Allport. Leon teaches a similar system where a Secure Meter Device is directly connected to each computer by an RS-232 cable or similar link. See Figure 1A and col. 3, line 60 - col. 4, line 9. Heiden teaches a system where each user account is tied to a single postal security device. See Heiden col. 6, lines 31 and 32 "the data center 200 may establish one postage meter per account or multiple accounts per postage meter." Thus, the cited references do not teach a "*stateless* cryptographic device" or a system where "*any* one or more of the plurality of cryptographic devices may be used for verifying the advertising graphics for *any* one or more of the plurality of user terminals" (emphasis added). For purposes of illustration, in one example embodiment of the present application, a stateless cryptographic module enables scalability in a system and "each cryptographic module is a stateless device, meaning that a PSD package can be passed to any device because the application does not rely upon information about what occurred with the previous PSD package. Therefore, multiple cryptographic modules can also be added to each appropriate subsystem in order to handle increased loads." See page 7, lines 10-15 of the Specification. Also, see generally page 6, line 30 through page 7, line 25. In contrast, each of the cited references teaches a system where a user or user terminal has only one postal security device or similar device that they can utilize and the user cannot utilize any other postal security device in the system. Thus, the cited references do not teach or suggest these elements of claim 1.

Also, Appellant believes that the cited references fail to teach that "the cryptographic devices include a computer executable code for verifying that the advertisement graphics is authorized to be printed next to the VBI." The Examiner admits in the final Office action mailed January 19, 2005 that Allport does not teach or suggest this element of claim 1. Appellant believes that Heiden and Leon do not cure this defect of Allport. Appellant has reviewed Leon, but has been unable to discern any part therein that teaches or suggests this element of claim 1.

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The Examiner cites the abstract, figures 2 and 3 and col. 5, lines 35-51 as teaching this element of claim 1. However, the Appellant has reviewed Heiden including the cited section and has been unable to discern any part therein that teaches or suggests a cryptographic device for "verifying that the advertisement graphics is *authorized* to be printed next to the VBI" (emphasis added). Appellant has been unable to discern any part of Heiden that teaches this element. Rather, Heiden teaches printing an advertisement on an envelope without any type of authorization. Instead, Heiden teaches a system to select ads appropriate for the recipient based on the address of the recipient. See Heiden, col. 7, line 30 - col. 9, line 22. Thus, the cited references fail to teach or suggest this element of claim 1.

Similarly, claim 1 includes the elements of "a digitally signed advertisement graphics." The Examiner admitted in the Office action of January 19, 2005 that Allport does not teach this element of claim 1, stating that "Allport et al fails to teach a digitally signed advertisement graphics." See page 3 of the Office action of January 19, 2005. Leon does not teach the use of advertisements. Again, the Patent Office relies on Heiden to teach this element of claim 1. However, Appellant has reviewed Heiden and has been unable to discern any part therein that teaches the use of a digitally signed advertisement. The cited sections of Heiden do not mention the use of a digital signature. Thus, the Patent Office has failed to establish that the cited references teach or suggest this element of the claims. Accordingly, it is requested that the obviousness rejection of claim 1 be overturned.

In regard to claims 4-7, 9, 14, 15 and 19-28, these claims depend from independent claim 1 and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to claim 1, these claims are not obvious over the cited references. Accordingly, it is requested that the obviousness rejection of these claims be overturned.

Claim 29, includes elements similar to those of claim 1. Specifically, claim 29 includes the elements of "digitally signing an advertisement graphics to be printed next to the VBI,"

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"verifying the digitally signed advertisement graphics using any of a plurality of stateless cryptographic modules" and "any of the plurality of cryptographic modules may be used for verifying the digitally signed advertisement graphics for any one or more of the users. Thus, the arguments set forth above in relation to the element of claim 1, apply equally to these elements of claim 29. Accordingly, it is requested that the obviousness rejection of claim 29 be overturned.

In regard to claims 32-35, 37, and 41-51, these claims depend from independent claim 29 and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to claim 29, these claims are not obvious over the cited references. Accordingly, it is requested that the obviousness rejection of these claims be overturned.

**B. Rejection of Claims 2 and 30 under 35 U.S.C. §103 as Obvious over Allport in view of Heiden and Leon**

In regard to claim 2, his claim depends from independent claim 1 and incorporates the limitations thereof, thus at least for the reasons mentioned above in regard to claim 1, this claim is not obvious over the cited references.

In addition, this claim includes the element of "the cryptographic devices include a computer executable code for verifying the advertisement graphics using a DSA algorithm, a public key, and a previously assigned digital signature." This element of claim 2 was also discussed in the Interview of April 14, 2005. The Examiner acknowledged during that interview that the cited references did not teach this element of claim 2. Specifically, the Examiner admitted that Allport did not teach the use of a digital signature in an advertisement. Allport had been the basis for rejection in the Office action of January 19, 2005, but this contradicted the argument that Allport did not teach the digital signature of claim 1. This was pointed out in the Interview and the Examiner acknowledged this error. As mentioned above in regard to claim 1,

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the cited references do not teach or suggest the use or verification of a digital signature in relation to an advertisement graphic. The Examiner has admitted that "Allport et al fails to teach a digitally signed advertisement graphics." See page 3 of the Office action of January 19, 2005. Leon does not teach the use of advertisement graphics. Appellant has been unable to discern any part of Heiden that teaches the use of a digital signature, or the use of a DSA algorithm and public key in connection with and advertisement graphic as recited in claim 2. Thus, the cited references do not teach this element of claim 2. Accordingly, claim 2 is separately patentable and it is requested that the obviousness rejection of claim 2 be overturned.

In regard to claim 30, this claim depends from independent claim 29 and incorporates the limitations thereof. Thus, at least for the reasons mentioned in regard to claim 29, this claim is not obvious over the cited references. In addition, claim 30 includes elements similar to that of claim 2 including "verifying the advertisement graphics using a DSA algorithm, a public key, and a previously assigned digital signature." Thus, for the additional reasons mentioned above in regard to claim 2, claim 30 is not obvious over the cited references. Accordingly, it is requested that the obviousness rejection of claim 30 be overturned.

**C. Rejection of Claim 3 and 31 under 35 U.S.C. §103 as Obvious over Allport in view of Heiden and Leon**

In regard to claim 3, his claim depends from independent claim 1 and incorporates the limitations thereof, thus at least for the reasons mentioned above in regard to claim 1, this claim is not obvious over the cited references.

In addition, this claim includes the element of "the computer executable code verifies if the digitally signed advertisement graphics has a correct digital signature file." As mentioned above in regard to claim 1, the cited references do not teach or suggest the use or verification of a digital signature in relation to an advertisement graphic. The Examiner has admitted that

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"Allport et al fails to teach a digitally signed advertisement graphics." See page 3 of the Office action of January 19, 2005. Leon does not teach the use of advertisement graphics. Appellant has been unable to discern any part of Heiden that teaches the use of a digital signature or a check for a correct digital signature file, as recited in claim 3. Thus, the cited references do not teach this element of claim 3. Accordingly, claim 3 is separately patentable and it is requested that the obviousness rejection of claim 3 be overturned.

In regard to claim 31, this claim depends from independent claim 29 and incorporates the limitations thereof. Thus, at least for the reasons mentioned in regard to claim 29, this claim is not obvious over the cited references. In addition, claim 31 includes elements similar to that of claim 3 including "verifying if the digitally signed advertisement graphics has a correct digital signature file." Thus, for the additional reasons mentioned above in regard to claim 3, claim 31 is not obvious over the cited references. Accordingly, it is requested that the obviousness rejection of claim 31 be overturned.

**D. Rejection of Claim 8 and 36 under 35 U.S.C. §103 as Obvious over Allport in view of Heiden and Leon**

In regard to claim 8, his claim depends from independent claim 1 and incorporates the limitations thereof, thus at least for the reasons mentioned above in regard to claim 1, this claim is not obvious over the cited references.

In addition, this claim includes the element of "one or more cryptographic devices includes a computer executable code for supporting multiple concurrent users." Appellant has reviewed the cited references, including those paragraphs of Allport cited as teaching the elements of this claim, but has been unable to discern any part therein "supporting multiple concurrent users" as recited in claim 8. Thus, the cited references do not teach this element of

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claim 8. Accordingly, claim 8 is separately patentable and it is requested that the obviousness rejection of claim 8 be overturned.

In regard to claim 36, this claim depends from independent claim 29 and incorporates the limitations thereof. Thus, at least for the reasons mentioned in regard to claim 29, this claim is not obvious over the cited references. In addition, claim 31 includes elements similar to that of claim 8 including "supporting multiple concurrent users." Thus, for the additional reasons mentioned above in regard to claim 8, claim 36 is not obvious over the cited references. Accordingly, it is requested that the obviousness rejection of claim 36 be overturned.

**E. Rejection of Claim 10 and 38 under 35 U.S.C. §103 as Obvious over Allport in view of Heiden and Leon**

In regard to claim 10, his claim depends from independent claim 1 and incorporates the limitations thereof, thus at least for the reasons mentioned above in regard to claim 1, this claim is not obvious over the cited references.

In addition, this claim includes the element of "wherein each security device transaction data can be processed in the server system in a stateless manner." Appellant has reviewed the cited references, including those paragraphs of Allport cited as teaching the elements of this claim, but has been unable to discern any part therein that teaches this element. Thus, the Patent Office has failed to establish that the cited references teach or suggest this element of claim 10. Accordingly, claim 10 is separately patentable and it is requested that the obviousness rejection of claim 10 be overturned.

In regard to claims 11 and 12, these claims depend from claim 10 and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to claim 10, these claims are not obvious over the cited references. Accordingly, it is requested that the obviousness rejection of these claims be overturned.

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In regard to claim 38, this claim depends from independent claim 29 and incorporates the limitations thereof. Thus, at least for the reasons mentioned in regard to claim 29, this claim is not obvious over the cited references. In addition, claim 38 includes elements similar to that of claim 10 including "wherein each security device transaction data can be processed in the server system in a stateless manner." Thus, for the additional reasons mentioned above in regard to claim 10, claim 38 is not obvious over the cited references. Accordingly, it is requested that the obviousness rejection of claim 38 be overturned.

In regard to claims 39 and 40, these claims depend from claim 38 and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to claim 38, these claims are not obvious over the cited references. Accordingly, it is requested that the obviousness rejection of these claims be overturned.

**F. Rejection of Claim 13 under 35 U.S.C. §103 as Obvious over Allport in view of Heiden and Leon**

In regard to claim 13, his claim depends from claim 10 and incorporates the limitations thereof, thus at least for the reasons mentioned above in regard to claim 10, this claim is not obvious over the cited references.

In addition, this claim includes the element of "wherein the security device transaction data related to a user is updated and returned to the database." Appellant has reviewed the cited references, including those paragraphs of Allport cited as teaching the elements of this claim, but has been unable to discern any part therein "wherein the security device transaction data related to a user is updated and returned to the database" as recited in claim 13. Thus, the Patent Office has failed to establish that the cited references teach or suggest this element of claim 13. Accordingly, claim 13 is separately patentable and it is requested that the obviousness rejection of claim 13 be overturned.

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**Conclusion**

Accordingly, it is submitted that the rejections of claims 1-15 and 19-51 based on 35 U.S.C. § 103 be overturned.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By   
Jonathan S. Miller  
Reg. No. 48,534  
626/795-9900

JSM/jsm

**CLAIM APPENDIX**

1. An on-line system for printing a value-bearing item (VBI) comprising:
  - a plurality of user terminals coupled to a computer network;
  - a digitally signed advertisement graphics to be printed next to the VBI; and
  - a plurality of stateless cryptographic devices remote from the plurality of user terminals and coupled to the computer network, wherein the cryptographic devices include a computer executable code for verifying that the advertisement graphics is authorized to be printed next to the VBI, and wherein any one or more of the plurality of cryptographic devices may be used for verifying the advertising graphics for any one or more of the plurality of user terminals.
2. The system of claim 1, wherein the cryptographic devices include a computer executable code for verifying the advertisement graphics using a DSA algorithm, a public key, and a previously assigned digital signature.
3. The system of claim 2, wherein the computer executable code verifies if the digitally signed advertisement graphics has a correct digital signature file.
4. The system of claim 1, further comprising computer executable code for tracking a usage of the VBI.
5. The system of claim 4, wherein the usage of the VBI includes one or more of number of users signed up for the on-line system, number of users who have purchased at least a predetermined amount of VBI, number of users who have printed at least a predetermined amount of VBI, and number of users who have maintained an account for a minimum number of predetermined period.

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6. The system of claim 1, wherein one or more of the cryptographic devices includes a computer executable code for preventing unauthorized modification of data.

7. The system of claim 1, wherein one or more of the cryptographic devices includes a computer executable code for ensuring proper operation of cryptographic security and VBI related meter functions.

8. The system of claim 1, wherein one or more of the cryptographic devices includes a computer executable code for supporting multiple concurrent users.

9. The system of claim 1, further comprising a database remote from the plurality of user terminals including information about the users.

10. The system of claim 9, further comprising a plurality of security device transaction data stored in the database for ensuring authenticity of the one or more users, wherein each security device transaction data can be processed in the server system in a stateless manner.

11. The system of claim 10, wherein each security device transaction data is related to a user.

12. The system of claim 11, wherein the security device transaction data related to a user is loaded into one or more of the cryptographic devices when the user requests to operate on a value bearing item.

13. The system of claim 12, wherein the security device transaction data related to a user is updated and returned to the database.

14. The system of claim 1, wherein one or more of the cryptographic devices performs cryptographic function on a transaction related to the database.

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15. The system of claim 1, further comprising computer executable code for password authentication to prevent unauthorized access to the database.

16-18. (Canceled)

19. The system of claim 9, wherein the database includes one or more indicium data elements, data for account maintenance, and data for revenue protection.

20. The system of claim 9, wherein the database includes virtual meter information.

21. The system of claim 9, wherein the database includes descending register data.

22. The system of claim 1, wherein the value bearing item is a mail piece.

23. The system of claim 22, wherein the postal indicium comprises a digital signature.

24. The system of claim 1, wherein the value bearing item is a ticket.

25. The system of claim 1, wherein a bar code is printed on the value bearing item.

26. The system of claim 1, wherein the value bearing item is a coupon.

27. The system of claim 1, wherein the value bearing item is currency.

28. The system of claim 1, wherein the value bearing item is a voucher.

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29. A method for printing an advertisement next to a value-bearing item (VBI) via a communication network including a client system, and a server system, the method comprising the steps of:

interfacing with one or more users via the client system;  
communicating with the client system over the communication network;  
digitally signing an advertisement graphics to be printed next to the VBI; and  
verifying the digitally signed advertisement graphics using any of a plurality of stateless cryptographic modules, wherein any of the plurality of cryptographic modules may be used for verifying the digitally signed advertisement graphics for any one or more of the users.

30. The method of claim 29, wherein the verifying step comprises the step of verifying the advertisement graphics using a DSA algorithm, a public key, and a previously assigned digital signature.

31. The method of claim 29, wherein the verifying step comprises the step of verifying if the digitally signed advertisement graphics has a correct digital signature file.

32. The method of claim 29, further comprising the step of tracking a usage of the VBI.

33. The method of claim 32, wherein the step of tracking comprises the step of tracking a VBI usage including one or more of number of users signed up for the on-line system, number of users who have purchased at least a predetermined amount of VBI, number of users who have printed at least a predetermined amount of VBI, and number of users who have maintained an account for a minimum number of predetermined period.

34. The method of claim 29, further comprising the step of preventing unauthorized modification of data.

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35. The method of claim 29, further comprising the step of ensuring the proper operation of cryptographic security and VBI related meter functions.

36. The method of claim 29, further comprising the step of supporting multiple concurrent users.

37. The method of claim 29, further comprising the step of including information about the users in a database remote from the plurality of user terminals.

38. The method of claim 29, further comprising the step of storing in the database a plurality of security device transaction data for ensuring authenticity of the one or more users, wherein each security device transaction data is processed in the server system in a stateless manner.

39. The method of claim 38, wherein each security device transaction data is related to a user.

40. The method of claim 39, further comprising the step of loading the security device transaction data related to a user into the cryptographic module when the user requests to operate on a value bearing item.

41. The method of claim 29, further comprising the steps of preventing unauthorized modification of data using the cryptographic module.

42. The method of claim 29, further comprising the step of storing data for creating one or more indicium, account maintenance, and revenue protection.

43. The method of claim 29, further comprising the step of printing a mail piece.

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44. The method of claim 43, wherein the mail piece includes a digital signature.
45. The method of claim 43, wherein the mail piece includes a postage amount.
46. The method of claim 43, wherein the mail piece includes an ascending register of used postage and descending register of available postage.
47. The method of claim 29, further comprising the step of printing a ticket.
48. The method of claim 29, further comprising the step of printing a bar code.
49. The method of claim 29, further comprising the step of printing a coupon.
50. The method of claim 29, further comprising the step of printing currency.
51. The method of claim 29, further comprising the step of printing a voucher.

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**EVIDENCE APPENDIX**

None

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**RELATED PROCEEDING APPENDIX**

None

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